IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 23640 of 2003(L)

PETITIONER:

VENU, S/O. NARAYANAN, AGED 56 YEARS,
MANAPARAMBIL HOUSE, KOOTTUVALLIKADU,
MOOTHAKUNNAM P.O., ERNAKULAM,
(U.P.S.A, (RETIRED) H.D.P.S.H.S.S. , EDATHIRINJI).

BY ADV. SRI.A.X.VARGHESE.

RESPONDENTS:
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1. **THE ACCOUNTANT GENERAL (A&E),**
   THIRUVANANTHAPURAM.

2. **DISTRICT EDUCATION OFFICER, IRINJALAKUDA**

3. **DEPUTY DIRECTOR OF EDUCATION, TRICHUR.**

4. **PRINCIPAL, H.D.C.P.SAMAJAM HIGHER**
   SECONDARY SCHOOL, EDATHIRINJI, THRISSUR.

BY ADV. SRI.MATHEWS K.PHILIP,
GOVERNMENT PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.23640/2003:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE INTIMATION PASSED BY THE R.1. TO THE 2ND RESPONDENT'S OFFICE REGARDING THE SANCTIONING OF THE PENSIONARY CLAIMS OF THE PETITIONER.

EXT.P.2: COPY OF THE JUDGMENT IN O.P. NO. 17743/2003 DTD. 04/04/2003 OF THE HONOURABLE HIGH COURT OF KERALA.

EXT.P.3: COPY OF THE INFORMATION PASSED BY THE R.3. TO THE PETITIONER WITH THE COPY OF THE LIABILITY CERTIFICATE DTD. 31/03/2003.

RESPONDENT'S EXHIBITS:

EXT.R4.A: COPY OF THE LETTER DTD. 25/11/2002 ISSUED TO THE PETITIONER BY THE R.4.

EXT.R4.B: COPY OF THE REPORT DTD. 11/12/2002 ISSUED BY THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) IRINJALAKUDA TO THE R.4.

EXT.R4.C: COPY OF THE LETTER DTD. 22/01/2003 ISSUED BY THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) IRINJALAKUDA TO THE R.4.

EXT.R4.D: COPY OF THE LETTER DTD. 05/02/2003 ISSUED BY THE R.2. TO THE PETITIONER.

EXT.R4.E: COPY OF THE LETTER DTD. 22/08/2003 SENT BY THE R.4. TO THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) IRINJALAKUDA.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.23640 of 2003

Dated 14th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus directing the respondents to disburse the entire post retirement benefits to the petitioner including gratuity, commutation amount, family pension, other arrears of salary etc. with 12% interest, with immediate effect."

Petitioner retired while working as UPSA on 31.3.2002. Pursuant to the interim order dated 24.7.2003, it appears the petitioner has received the pensionary benefits except an amount of Rs.67,065/-. Learned counsel appearing for the 4th respondent submits that the liability arose as per Ext.R4(b) audit objection of the Assistant Registrar of Cooperative Societies(General), Mukundapuram, Irinjalakkuda. He is not a party to the writ petition. Be that as it may, even going by the reply affidavit of the petitioner, if a proper audit is conducted with the participation of the petitioner, the whole issue could be given a quietus. Accordingly, the writ petition is disposed of as follows :-

There will be a direction to the Assistant Registrar of

Cooperative Societies (General), Mukundapuram, Irinjalakkuda to finalise the audit of accounts/to re-audit the accounts of the Society (No.R-632), for the period 8.1.1999 to 31.3.2002, with notice to the petitioner, the society and the 4th respondent, within a period of one month from the date of production of a copy of the judgment either by the petitioner or the 4th respondent. Based on the audit as above, the 4th respondent will issue a fresh non-liability certificate within another one month. Needless to say that the petitioner will cooperate with the audit party to complete the audit as above. Based on the non-liability certificate thus issued by the Assistant Registrar, the amount, if any, withheld will be released to the petitioner with 8% interest with effect from 1.4.2003 till the date of payment, within another two months.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 14th February, 2007.